

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: WALLACH=22A

In re Application of:)	Conf. No.: 6865
)	
David WALLACH et al)	Art Unit: 1644
)	
Appln. No.: 09/927,458)	Examiner: P. Huynh
)	
Filed: August 13, 2001)	Washington, D.C.
)	
For: MODULATORS OF FUNCTION OF)	March 17, 2006
RECEPTORS OF THE ...)	

COMMUNICATION RE RECEIPT OF PTO/SB/08A

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Issue Fee
401 Dulany Street
Alexandria, VA 22314

Sir:

In the matter of the above-identified application, it is noted that in the official action of July 16, 2002, the examiner noted in paragraph 5 that the references cited on PTO form 1449 filed with the application papers on August 13, 2001, had been crossed out because none of the cited references had been submitted to the Office. It is respectfully pointed out that the instant application is a continuation-in-part of application no. 09/381,358. The documents listed on the PTO-1449 were all of record in the parent case. We had requested that they be considered and made of record in accordance with 37 CFR §1.98(d), and we had pointed out in our communication of August 31, 2001, that, per Section 1.98(d), copies of these documents need not be filed in this application. See page 2 of the transmittal letter forwarding the application papers. Accordingly the IDS filed August 13, 2001, fully complied with all applicable regulations and should have been fully considered by the examiner. It was an error to require that copies have been filed.

In re of Appln. No. 09/927,458

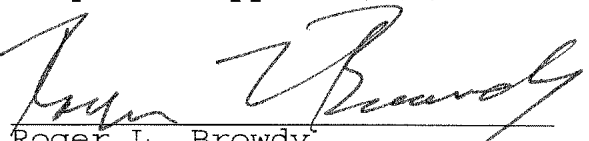
Nevertheless, as a courtesy to the examiner,
attached hereto are a fresh copy of the originally-submitted
form PTO-1449 and copies of all patents and non-patent
publications cited thereon with the exception of U.S. patents
or published applications.

It is respectfully requested that the examiner
consider the submission, initial the form PTO-1449, and return
same.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By



Roger L. Browdy
Registration No. 25,618

RLB:rd

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

G:\BN\I\inl2\wallach22a\pto\1449COM.doc